

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6144 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and
MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

GOVINDJI BHULAJI THROUGH NANDUBEN RUPSANG

Versus

STATE OF GUJARAT

Appearance:

Nanduben Rupsang - PARTY-IN-PERSON present.
Ms.B.R.Gajjar, learned ADDL.PUBLIC PROSECUTOR
for Respondents.

CORAM : MR.JUSTICE M.R.CALLA and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 15/10/1999

ORAL JUDGEMENT(Per M.R.Callla,J)

Rule. Ms.B.R.Gajjar, learned Addl.P.P. waives
service of rule on behalf of respondents.

This Application has been moved by Nanduben Rupsang - the sister of Govindji Bhulaji i.e. convict No.6730 in Sabarmati Central Jail, Ahmedabad. The applicant has filed this Application for release of her brother who was convicted for an offence punishable under S.302 I.P.C. and sentenced to life imprisonment on 5.8.94 by Addl. Sessions Judge, Mirzapur, Ahmedabad (Rural) in Sessions Case No.163/93 and whose Appeal of the year 1994 is pending before this Court. During the period of sentence and pendency of Appeal, the applicant seeks release of her brother for a period of 21 days on the ground that their mother is not well and requires operation of hysterectomy. Doctor's Certificate dated 21.9.99 has also been produced.

In the facts and circumstances of this case, we direct that Govindji Bhulaji - convict No.6730 in Sabarmati Central Jail, Ahmedabad be released on temporary bail for a period of 21 days from the date of release on usual terms and condition provided the convict deposits a sum of Rs.2000/- with the jail authorities. The convict shall surrender back before the jail authorities with the expiry of the aforesaid period of 21 days. The Application is allowed. Rule is made absolute accordingly.